

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Case No. 2:18-cr-38-1
	:	
	:	
RODOLFO DAVILA,	:	
	:	
Defendant.	:	

Opinion and Order

Defendant Rodolfo Davila is charged with multiple drug crimes, including conspiracy to distribute narcotics, maintaining drug-involved premises, distribution of narcotics, and being a felon in possession of a firearm. Davila has filed a motion to suppress physical evidence obtained from the search of a camping trailer parked on his property. For the reasons set forth below, Defendant's motion to suppress is **denied**.

Background

On April 2, 2018, Special Agent Jamie Pillsbury of the Department of Homeland Security applied for a search warrant of 55 River Street in Windsor, Vermont. ECF 138-2 at 1-2. At the time of the application, Defendant was the record owner of 55 River Street. *Id.* at 11. The application sought permission to search Defendant's apartment at 55 River Street, as well as a

detached garage on the premises and "[a]ny vehicles present at [55 River Street] at the time the warrant is served that are owned, operated, and/or under the direct control of Rodolfo Davila." *Id.* at 2.

The affidavit in support of the warrant application averred that a confidential source had participated in four controlled purchases of heroin from Defendant at 55 River Street in February and March of 2018. ECF 138-2 at 13-17. These controlled purchases always took place within Defendant's apartment at 55 River Street, although the confidential source had seen Defendant enter the garage on the property to retrieve drugs for sale. *Id.* at 13. S.A. Pillsbury noted in his affidavit that "there is probable cause to believe that evidence of these crimes will be found at the 55 River Street property and that this property is being used in furtherance of committing these crimes." ECF 138-2 at 11.

Magistrate Judge John M. Conroy issued a search warrant, which was executed on April 5, 2018. ECF 138-2 at 4; ECF 138 at 2. The officers who executed the search warrant searched Defendant's apartment, the detached garage, Defendant's personal vehicle, and a camping trailer ("trailer") situated on the property. ECF 138-1 at 3. The camping trailer has four wheels and a trailer hitch in front. *Id.* The trailer was unhitched at the time of the search and Defendant's pickup truck, equipped

with a hitch, was parked close by. *Id.*, ECF 145 at 2. According to the Government, at the time of the search, the trailer's tires appeared fully inflated and significant dirt in the tire treads suggested recent use. ECF 145 at 2.

During the search of the trailer, officers found and seized 1450 bags of heroin. ECF 138-4 at 1. In the search warrant return, the officers referred to the trailer as an "R.V." *Id.*

Discussion

Defendant moves to suppress all direct and derivative evidence obtained from the search of the trailer.

Before addressing the merits of Defendant's arguments, the Court must address the threshold issue of standing.

"It has long been the rule that a defendant can urge the suppression of evidence obtained in violation of the Fourth Amendment only if that defendant demonstrates that *his* Fourth Amendment rights were violated by the challenged search or seizure." *United States v. Padilla*, 508 U.S. 77, 81 (1993) (internal quotations and citations omitted) (emphasis in original). A defendant challenging a search bears the burden of establishing that "he had a legally cognizable privacy interest in the searched premises at the time of the search." *United States v. Ruggiero*, 824 F. Supp. 379, 392-93 (S.D.N.Y. 1993), *aff'd sub nom. United States v. Aulicino*, 44 F.3d 1102 (2d Cir. 1995). This can be accomplished "by showing (a) that he had an

expectation of privacy that society is prepared to recognize as reasonable, and (b) that he had conducted himself and dealt with the property in a way that indicated a subjective expectation of privacy." *United States v. Perea*, 986 F.2d 633, 639 (2d Cir. 1993). "One need not be the owner of the property for his privacy interest to be one that the Fourth Amendment protects, so long as he has the right to exclude others from dealing with the property." *Id.*

Here, Defendant has not adequately shown that he had a privacy interest in the trailer at the time it was searched. Defendant's Memorandum of Law in support of his Motion to Suppress states that the trailer "was not owned by the Defendant." ECF 138-1 at 4. Defendant makes no argument that he had access or control over the trailer. Besides the one sentence quoted above, Davila does not discuss his relationship to the trailer. The Government raised this standing issue in its Response in Opposition to the Motion to Suppress but Defendant did not file a Reply.

Since he bears the burden of proof in establishing a legally cognizable interest in the trailer, the Court rules that Defendant has not met his burden and so does not have standing to challenge the search.

Even if the Court found that Defendant has standing, his Motion to Suppress would still fail. Defendant argues that when

the Magistrate Judge authorized the search of all vehicles on the property, he "did not envision 'vehicles' to include an item such as the camping trailer." ECF 138-1 at 5. Thus, according to Defendant, the search of the trailer was outside the scope of the warrant. *Id.*

In *United States v. Navas*, the Second Circuit found that an unhitched trailer fell under the definition of a "vehicle" and was covered by the automobile exception to the warrant requirement. 597 F.3d 492 (2d Cir. 2010). In *Navas*, the tractor trailer at issue was unhitched from its cab and parked in a warehouse. *Id.* at 495. The legs of the trailer were lowered to stabilize it. *Id.* The cab used to tow the trailer was driven away, leaving the trailer parked behind a closed door. *Id.* Still, the Second Circuit found that a search of the unhitched trailer fell under the automobile exception because the trailer was "(1) affixed with at least one axle and a set of wheels; and (2) capable of being attached to a cab and driven away." *Id.* at 500. The Court concluded the trailer was "inherently mobile." *Id.*

Navas forecloses Defendant's argument. Under *Navas* the trailer at issue qualifies as a "vehicle." Indeed, the facts here strongly demonstrate the "inherent mobility" of the trailer. Unlike in *Navas*, the trailer here was parked on Defendant's property, close to a pickup truck specifically

equipped to tow the trailer. The Government points out that the tires appeared fully inflated and "significant dirt in the tread" suggested the trailer had been used recently. ECF 145 at 2. As an inherently mobile vehicle, the trailer was almost certainly within the scope of the search warrant. Even if it was not "envisioned" by the Magistrate Judge to be within the scope of the search warrant, according to *Navas*, the automobile exception to the warrant requirement applies and the search was still permissible.

However, even assuming *arguendo* that the trailer in question does not qualify as a "vehicle," the good faith exception to the exclusionary rule applies.

The purpose of the exclusionary rule is "to deter police misconduct." *United States v. Leon*, 468 U.S. 897, 916 (1984). When an officer genuinely believes that he has obtained a valid warrant from a magistrate and executes that warrant in good faith, there is no conscious violation of the Fourth Amendment "and thus nothing to deter." *Id.* at 920-21. To claim the benefits of the good faith exception, however, the officer's reliance on the duly issued warrant "must be objectively reasonable." *Id.* at 922.

Contrary to Defendant's assertion that the trailer bears no resemblance to a vehicle, the Court finds that it was reasonable for officers to believe the trailer was a vehicle and fell under

the scope of the search warrant. As mentioned above, the trailer had inflated tires, seemed to have been used recently, and was parked close to a pick-up truck equipped to pull the trailer. *See United States v. Houck*, 888 F.3d 957, 961 (finding that officers reasonably believed an RV was a vehicle because it had fully inflated tires; could have been mobile within 30 minutes; was parked on a driveway with the truck used to tow it parked close by; had license plates, a VIN number, and was registered; and was not attached to the ground or any structure). In the search warrant return, the officers referred to the camping trailer as an "R.V.," indicating that they believed the trailer was a vehicle. ECF 138-4 at 1.

Since it was reasonable for the officers to believe that the trailer in question qualified as a vehicle, the good faith exception to the warrant requirement applies. The evidence taken from the trailer is not suppressed.

Conclusion

For the reasons set forth above, Defendant's motion to suppress is **denied**.

DATED at Burlington, in the District of Vermont, this 2nd day of July, 2019.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge